

Appl. No. 10/759,343

Amdt. dated July 8, 2005

Reply to Office action of April 8, 2005

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-3 and 5-9 remain in the application. None of the claims have been amended.

We have very carefully reviewed the rejection of the claims as being anticipated by Buhler (US 4,979,247) under 35 U.S.C. § 102(b), and we have given full consideration to the Examiner's statements in support thereof and to his response to our previous argument.

While we agree with most of the Examiner's explanation, we find at least one indicator of factual error and a resulting legal error underlying the rejection. We respectfully request that the Examiner consider the following arguments and that the Examiner reconsider the rejection of the claims on these arguments.

The law of obviousness, as outlined in Graham v. John Deere Co., 383 U.S. 1 (1966) requires that the Examiner:

- (1) determine the scope and content of the prior art;
- (2) ascertain the differences between the prior art and the claims at issue; and

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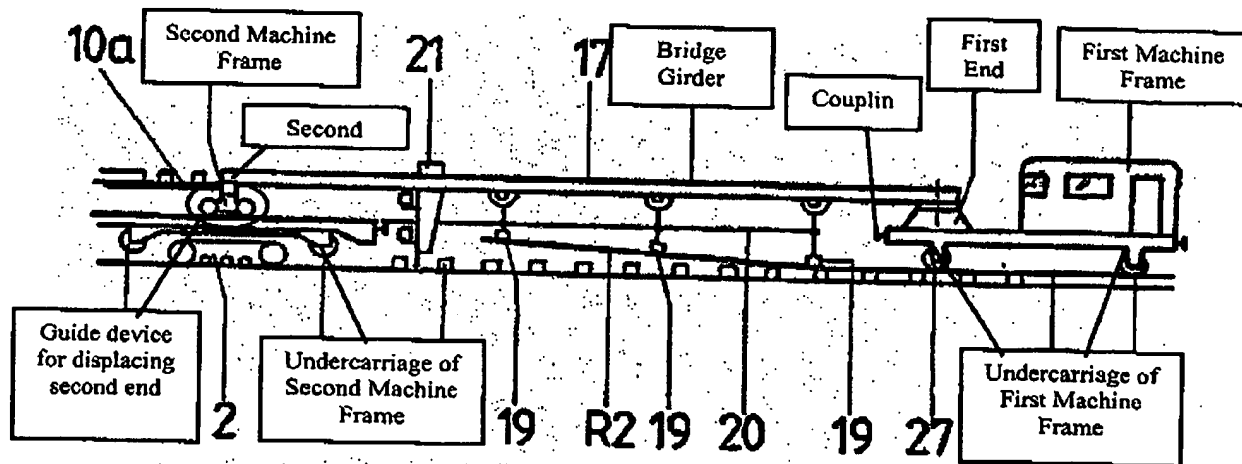
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(3) resolve the level of ordinary skill in the art.

Here, it is respectfully submitted, the Examiner has failed to properly ascertain the differences between the claims and the reference teaching. At least step (2) of the Graham test is not properly satisfied.

As noted above, we agree with much of the Examiner's reading of the reference. In the terminology used in claim 1 of the instant application, Buhler's drawing Fig. 6 could indeed be annotated as follows:



What is missing from the reference teaching is an essential feature of claim 1, namely, an "auxiliary undercarriage connected to the bridge girder." The Examiner appears to argue that the "tracked chassis 2" of Buhler could be read on applicant's auxiliary undercarriage. It cannot, however,

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because applicant's claim further requires that the auxiliary undercarriage be "connected to the bridge girder." The tracked chassis 2 of Buhler must not be connected to the bridge girder because the second machine frame must be able to move relative to the bridge girder. That is, the tracked chassis 2 is but an alternative to the undercarriage 3 to be used when the second machine frame does not have tracks under it, i.e., when tracks are being laid from the bridge girder "behind" it.

We are mindful, of course, that one could in certain situations state that the tracked chassis 2 of Buhler is "connected" to the bridge girder. In this case, however, the terms "connected," "supportable," "displaceable," and "detachably connecting" are very carefully placed throughout the claims so as to clearly delineate the various structural relationships. The bridge girder of claim 1 is "connected to" the first machine frame and is "supportable on" and "displaceable relative" to the second machine frame. Further, there is provided a guide device that allows the second end of the bridge girder to be displaced in the longitudinal direction. In other words, the second end is not connected to the second machine frame. It follows, then, that the tracked chassis ("auxiliary undercarriage"??) of Buhler is not connected to the bridge girder.

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Buhler does not anticipate the claimed invention. Claim 1 is, therefore, patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-3 and 5-9 are solicited.

Respectfully submitted,



For Applicant

WERNER H. STEMER
REG. NO. 34,956

WHS:bh

July 8, 2005

Lerner and Greenberg, P.A.
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101